

DLD-287

June 28, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **07-1023**

UNITED STATES OF AMERICA

VS.

DONALD G. JACKMAN, JR.

(W.D. Pa. Crim. No. 00-cr-00072)
CRIMINAL TREATED AS CIVIL

Present: BARRY, AMBRO and FISHER, CIRCUIT JUDGES

Submitted are:

- (1) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1);
 - (2) Appellant's memorandum of law in support;
 - (3) Appellee's motion for summary action; and
 - (4) Appellee's motion to stay briefing
- in the above-captioned case.

Respectfully,

Clerk

MMW/KEK/mw/crg

ORDER

The foregoing application for a certificate of appealability is denied because Appellant has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253. After reviewing the record before us, we conclude that Appellant has not shown that reasonable jurists would debate the District Court's conclusion that he is procedurally barred from bringing any claims not raised on direct appeal. See Slack v. McDaniel, 529 U.S. 473, 483-84 (2000). With regard to Appellant's "already litigated"

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claims, and all other claims that the District Court rejected on substantive grounds, Appellant has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2). Because the COA application is denied, we do not reach the Appellee's motion for summary action and motion to stay briefing pending resolution of the motion for summary action.

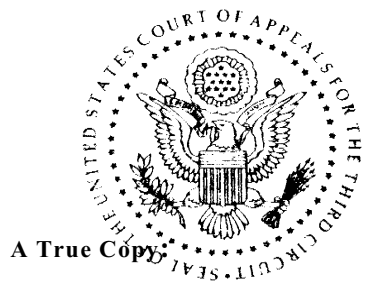
By the Court,

/s/ D. Michael Fisher

Circuit Judge

Dated: July 18, 2007

CRG/cc: Mr. Donald G. Jackman, Jr.
Kelly R. Labby, Esq.



Marcia M. Waldron

Marcia M. Waldron, Clerk